

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD GREEN,

Petitioner,

-against-

THE STATE OF NEW YORK,

Respondent.

ORDER DIRECTING PAYMENT OF
FEE OR IFP APPLICATION

14-CV-2073 (LAP)

LORETTA A. PRESKA, Chief United States District Judge:

Petitioner brings this petition for a writ of *habeas corpus pro se*. The Court directs Petitioner to pay the \$5.00 filing fee or submit a completed request to proceed *in forma pauperis* (“IFP application”) within thirty days of the date of this order.

To proceed with a petition for a writ of *habeas corpus* in this Court, a petitioner must pay the \$5.00 filing fee or submit a signed IFP application asking the Court to waive the filing fee. *See* 28 U.S.C. §§ 1914, 1915. Petitioner submitted the petition without an IFP application, and he has not paid the filing fee. Petitioner is therefore directed to pay the \$5.00 filing fee or complete the attached IFP application and return it to the Court within thirty days of the date of this order. If Petitioner submits the IFP application, it should be labeled with docket number 14-CV-2073.

The Clerk of Court is directed to assign this matter to my docket and to mail a copy of this order to Petitioner. No answer shall be required at this time. If Petitioner complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office. If Petitioner fails to comply with this order within the time allowed, the petition will be dismissed.

Because Petitioner has not yet made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a non-frivolous issue).

SO ORDERED:


LORETTA A. PRESKA
Chief United States District Judge

Dated: April 22, 2014
New York, New York